A Research Proposal of Ph.D. Thesis Entitled

"An Analytical Study of Copyright Law in the Era of Artificial Intelligence"

Submitted to the

Swami Ramanand Teerth Marathwada University, Nanded

Doctorate of Philosophy (Ph.D.)

In

Law, under the faculty of Humanities

By

Miss. Priya V. Mane

Under the Guidance of

Dr. Sachin B. Mane

(Assistant Professor, Dayanand College of Law , Latur)

Feb - 2025

Introduction:

"Artificial Intelligence is the science and engineering of making intelligent machines, especially intelligent computer programs. It is related to the similar task of using computers to understand human intelligence but AI does not have to confine it to methods that are biologically observable." - John McCarthy, Computer Scientist and AI Pioneer.

Artificial intelligence leverages computers and machines to mimic the problem-solving and decision-making capabilities of the human mind- IBM

"Artificial Intelligence is the capability of a digital computer or computer-controlled robot to perform tasks commonly associated with intelligent beings." - Oxford English Dictionary

AI refers to the development and implementation of computer systems that can perform tasks that typically require human intelligence. AI encompasses various subfields and techniques aimed at creating intelligent machines capable of perceiving, reasoning, learning, problem-solving, and interacting with their environment. The concept of AI dates back several decades, but recent advancements in computing power, data availability, and algorithmic techniques have propelled the field to new heights. AI has found applications in various domains, including healthcare, finance, transportation, education, entertainment, and more.AI systems can be broadly categorized into two types: Narrow AI and General AI. Narrow AI, also known as weak AI, is designed to perform specific tasks or solve particular problems. Examples of narrow AI include voice assistants like Siri and Alexa, image recognition systems, recommendation algorithms, and autonomous vehicles. On the other hand, General AI, also referred to as strong AI or artificial general intelligence (AGI), aims to replicate human-level intelligence across a broad range of tasks. Artificial Intelligence, which appeared like a faraway possibility at one moment, has already moved from books and movies to our world, gaining traction in recent years and resulting in numerous breakthroughs in practically every area. Artificial intelligence will affect every industry, and Intellectual Property Rights (IPR) is no exception (Ghanghash, Sanjeev. (2022).

AI enabled systems have transcended from performing simple calculations to producing poetry, art work, and other more complex creative work. This raises the question of whether or not such

work can be afforded any special status under Intellectual Property (IP) laws, like any other form of work produced by an identifiable human source which is afforded protection under IP laws (Tripathi, S., & Ghatak, C. (2021). The U.S. Copyright Office, however, has been slow to acknowledge the significance of AI in the creative process by denying copyrights of non-human works and releasing them into the public domain (Hristov, Kalin. (2017).

Objectives:

1. To understand the evolution of Copyright Law.
2. To Study the Artificial Intelligence and its impact on Copyrights.
3. To identify the scope for copyright ownership of AI generated content.
4. To study the International legal perspective of AI and Copyright.

Research Questions:

1. Whether existing legal framework has provisions of copyright for AI generated content.
2. Whether AI Generated content should or would be protected under copyright law of India? If yes then how authorship and ownership will be determined.
3. Do countries like India, U.S., U.K., E.U. Have the effective legal framework for AI generated work.
4. What are the possible avenues to make legislations more stringent?

Hypothesis :

1. The present judicial framework is not adequate in providing Copyright to AI generated content
2. The existing Copyright laws addresses only human intelligence and not the artificial intelligence

Scope and limitations:

The study aims at learning the legal framework for AI generated Copy right works in India. It involves analytical study of legal frame work on countries like USA, UK and EU . It will help in

finding problems and challenges for AI generated Copy right works in India and possible improvements.

The study is restricted to only legal aspects of AI generated Copyright works and there is no discussion on technical aspects.

The international perspective is limited to only countries like USA, UK and EU.

Importance of Study:

The Godfather of A.I. Geoffrey Hinton just resigned Google and says he regrets his life's work on AI because it can be hard to stop 'bad actors from using it for bad things'.

At present it is not clear that in which direction AI will go and what will be future legal consequences the World will be facing .The present legal framework is in very nascent stage to handle such issues related to AI and Copyright. In this context, the Government of India in Budget 2023 proposed a series of measures like Centres of Excellence for Artificial Intelligence to boost the economy and realise the vision of "Make AI in India and Make AI Work for India".

The legal field should be ready for these challenges and start preparing a concrete legal framework to tackle.

Literature Review:

Hristov, Kalin. (2017). The researcher highlights outdated nature of the current U.S. Copyright Act, which fails to reflect this contemporary reality, resulting in the release of a great number of AI generated works into the public domain. Also, the consequences of this gap in copyright law are far reaching and may result in a decrease of valuable new works available to scholars, researchers, and consumers, and a significant delay in technological and artistic progress of modern society.

Iglesias Portela, M., Shamuilia, S. and Anderberg, A.,(2021) The study discusses the possible implications of the development and adoption of AI technology in the intellectual property framework and presents the opinions expressed by practitioners and legal scholars in recent publications.

Moitra K., Vallabh K.(2021): In this paper authors discussed issues of Copyright law of US, UK. The paper also mentioned that in the infringement of Copyright it is very difficult to prove mens rea.The author pointed out that , vesting authorship with the creator(s) of the AI itself seems to be the most sensible approach in order to ensure innovation and growth, and to allow human beings to reap the benefits of their creation.

Ahuja V. (2020) , The article discusses how AI is important in producing creative works such as arts, music, poem, novels among other things. The article also discusses the issues of authorship and "deep fakes" in the work produced by the AI autonomously. The article discusses the legal position in several countries and deals comprehensively with several models of authorship in AI-generated works.

Miernicki, M., Ng (Huang Ying), I. (2021)

This paper first provides an overview on the protection of moral rights under existing international, U.S. and European copyright laws. It also discusses future possible solutions for moral rights AI generated work

Statement of Problem

The rise of Artificial Intelligence (AI) has led to new challenges in copyright law, especially as AI systems become capable of creating original works like art, music, and literature. Traditional copyright laws were designed to protect works created by humans, but they don't address the unique issues raised by AI-generated content. A key question is who should hold the rights to AI-generated works: the AI itself, the developer of the AI, or the user who directed it?

As AI continues to play a bigger role in creativity and innovation, current copyright laws may no longer be sufficient to protect these new kinds of works. Furthermore, the global nature of AI creates additional challenges in enforcing copyright across different countries. This study aims to explore these issues, examining whether existing copyright frameworks can adapt to the age of AI and suggesting potential reforms to ensure proper protection of AI-generated works. Hence research is focused on **An Analytical Study of Copyright Law in the Era of Artificial Intelligence**.

Research Methodology:

The proposed study shall follow the doctrinal research methodology. The theoretical constructs will be prepared after critical review of the existing literature, copyright laws, and judicial views. Since the doctrinal research method is adopted, the study is based only on secondary sources, such as commentaries on national and international legislation, various conventions ,thesis,

research papers, research articles as well as media data. The study would be based on a published legal interpretation as well as legal comparisons. The data and information shall be gathered from reliable sources and will be properly acknowledged.

Chapter Scheme

Chapter – I Introduction

Chapter – II Evolution of Copyright Law in India

Chapter – III Conceptual study of Artificial Intelligence

Chapter – IV Copyright and AI generated content

Chapter – V National and International perspective of AI generated work's Copyright

Chapter – VI Conclusion and Suggestions

References :

Ahuja V. (2020) , Artificial Intelligence And Copyright: Issues And Challenges, *ILI Law* Review, pp 270-285

Arthur R. Miller, (1993), 'Copyright protection for computer programs, databases, and computer-generated works; is anything new since CONTU?', *Harvard Law Review*, March, vol. 106, no. 5, pp. 977-1073

Assinen, Senja. (2018), European Union Copyright Protection for AI-Generated Works, *Turun Yliopisto Publication*, 30 October, P.65. available from https://www.utupub.fi/handle/10024/146366 [accessed 17 January 2022].

Ghanghash, Sanjeev. (2022). Intellectual Property Rights In The Era Of Artificial Intelligence: A Study Reflecting Challenges In India And Intertional Perpective. *Multidisciplinary Journal of Educational Research*. 11. 6.

Hristov, Kalin. (2017). Artificial Intelligence and the Copyright Dilemma. IDEA - *The Journal of the Franklin Pierce Center for Intellectual Property*. 57. 431.

Iglesias Portela, M., Shamuilia, S. and Anderberg(2021), A., Intellectual Property and Artificial Intelligence - A literature review, EUR 30017 EN, Publications Office of the European Union, Luxembourg, 2021, ISBN 978-92-76-30695-5, doi:10.2760/8600, JRC119102.

Kanchana Kariyawasam, (2020), Artificial Intelligence and challenges for copyright law, *International Journal of Law and Information Technology*, vol. 28, no. 4, Winter, Pages 279–296, available from https://doi.org/10.1093/ijlit/eaaa023, [accessed 24 December 2020].

Kayid, Amr. (2020). The role of Artificial Intelligence in future technology. 10.13140/RG.2.2.12799.23201.

Miernicki, M., Ng (Huang Ying), I. (2021) Artificial intelligence and moral rights. AI & Soc **36**, 319–329 (2021). https://doi.org/10.1007/s00146-020-01027-6

Moitra K., Vallabh K.(2021) Copyright In Works Created By Artificial Intelligence: Issues And Perspectives, *Bharucha and Partners*

Stuart J. Russell and Peter Norvig , (2010), Artificial Intelligence: A Modern Approach, *Pearson Series in AI*, 3rd Ed., Pearson Education, Inc., p. 55-59. ISBN 9780136042594

Suganya, S and Prema, E,(2021) Authorship of Copyrightable Works Created by Artificial Intelligence (January 19, 2021). *The IUP Law Review*, Vol. XI, No. 1, January 2021, pp. 30-39, Available at SSRN: https://ssrn.com/abstract=3829579

Tripathi, S., & Ghatak, C. (2021). Artificial Intelligence and Intellectual Property Law. *Christ University Law Journal, 7(1*), 83-98. https://doi.org/10.12728/culj.12.5

WIPO, 'Guide to the Berne Convention for the Protection of Literary and Artistic Works (Paris Act, 1971)', (World Intellectual Property Organization, Geneva, 1978), available from https://www.wipo.int/edocs/pubdocs/en/copyright/615/wipo_pub_615.pdf

Miss. Priya V. Mane

(Research Student)

Dr. Sachin B. Mane

(Research Guide)
Assistant Professor,
Dayanand College of Law , Latur